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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Boone, et al.	)	Attorney Docket No. TLAB.79219
	)	
Serial No.: 10/002,842	)	
	)	
Filed: November 14, 2001	)	
	)	
METHOD FOR DIFFERENTIATING	)	
IRRITABLE BOWEL SYNDROME	)	
FROM INFLAMMATORY BOWEL	)	
DISEASE (IBD) AND FOR	)	
MONITORING PERSONS WITH IBD	)	
USING TOTAL ENDOGENOUS	)	
LACTOFERRIN AS A MARKER	)	

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c)) SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern:	TechLab, Inc.
Address of Concern:	1861 Pratt Drive, Suite 1030 Blacksburg, VA 24060-6364

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD FOR DIFFERENTIATING IRRITABLE BOWEL SYNDROME FROM INFLAMMATORY BOWEL DISEASE (IBD) AND FOR MONITORING PERSONS WITH IBD USING TOTAL ENDOGENOUS LACTOFERRIN AS A MARKER by inventor(s) James Hunter Boone, David

Maxwell Lyerly, Tracy Dale Wilkins, and Richard Littleton Guerrant described in application Serial No. 10/002,942, filed November 14, 2001.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_

**Address:** \_\_\_\_\_

individual       small business concern  
 nonprofit organization

Name: \_\_\_\_\_

Address:

individual       small business concern  
 nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: David Maxwell Lyerly  
Title of Person Other than Owner: Vice President  
Address of Person Signing: 1861 Pratt Drive, Suite 1030  
Blacksville, VA 24060-6364

David Maxwell Lively 3/20/02  
Signature Date



## JOINT DECLARATION FOR PATENT APPLICATION

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our respective names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD FOR DIFFERENTIATING IRRITABLE BOWEL SYNDROME FROM INFLAMMATORY BOWEL DISEASE (IBD) AND FOR MONITORING PERSONS WITH IBD USING TOTAL ENDOGENOUS LACTOFERRIN AS A MARKER, the specification of which was filed as Serial No. 10/002,842 on November 14, 2001.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed? Y/N	Certified Copy Attached? Y/N

We hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

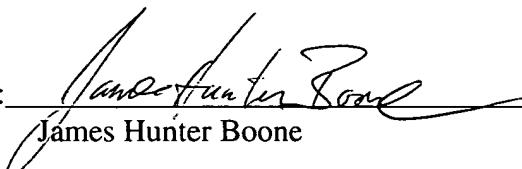
Application Number(s)	Filing Date (MM/DD/YYYY)
60/248,288	November 14, 2000

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

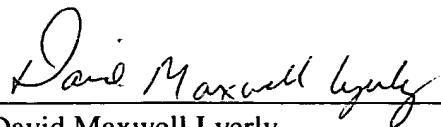
Application Number(s)	Filing Date (MM/DD/YYYY)

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and to file and prosecute any corresponding foreign applications, including any international applications under the Patent Cooperation Treaty or the European Patent Convention: **Joan Optican Herman**, Reg. No. 31,968; William B. Kircher, Reg. No. 22,481; Joseph B. Bowman, Reg. No. 25,807; Peter W. Gowdery, Reg. No. 25,872; Richard R. Johnson, Reg. No. 27,452; Walter R. Brookhart, Reg. No. 29,518; James H. Riley, II, Reg. No. 31,131; Michael B. Hurd, Reg. No. 32,241; Richard D. Jordan, Reg. No. 33,519; Michael J. Gross, Reg. No. 35,528; William P. Jensen, Reg. No. 36,833; Chris Murphy, Reg. No. 39,786; Daniel W. Shinn, Reg. No. 40,810; B. Trent Webb, Reg. No. 40,865; Scott B. Strohm, Reg. No. 42,172; Janine A. Carlan, Reg. No. 42,387; Clinton G. Newton, Reg. No. 42,930; John K. Hsu, Reg. No. 45,563; Ladi Shogbamimu, Reg. No. 46,291; Dennis Danella, Reg. No. 46,653; Greg S. Donahue, Reg. No. 47,531; Justin Krieger, Reg. No. 47,719; Marshall Honeyman, Reg. No. 48,114; Bart A. Starr, Reg. No. 48,386; and Jean M. Guignon, Reg. No. 48,538. Address all correspondence to: **Joan Optican Herman**, SHOOK, HARDY & BACON L.L.P., One Kansas City Place, 1200 Main Street, Kansas City, Missouri 64105-2118, telephone number (816) 474-6550.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature:  3-25-02  
James Hunter Boone Date

Residence: Christiansburg, Montgomery County, Virginia  
Citizenship: United State of America  
Post Office Address: 545 Arrowhead Trail  
Christiansburg, Virginia 24073

Inventor's signature:  3/25/02  
David Maxwell Lyerly Date

Residence: Radford, Montgomery County, Virginia  
Citizenship: United States of America  
Post Office Address: 204 MacArthur Avenue  
Radford, Virginia 24141

Inventor's signature:

Tracy Dale Wilkins

Date

Residence: Riner, Montgomery County, Virginia

Citizenship: United States of America

Post Office Address: 6254 Chestnut Ridge Road  
Riner, Virginia 24149

Inventor's signature:

Richard Littleton Guerrant

Date

Residence: Charlottesville, Albemarle County, Virginia

Citizenship: United States of America

Post Office Address: 2507 Northfields Road  
Charlottesville, Virginia 22901